

1947.

File No. 0 Beggars/47



Legal DEPARTMENT

A BRANCH

DM.
10/5/56

Subject:—

Opinions under the

Bombay Beggars Act,

1945

P 3 E

File No.
Std. Sectt. Slip 24 B c.

0 Beggars /47

458-A

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Legal Department File 0 Beggans/47

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1. Beggans,
1947.

Ordinances under the Beggans
Beggans, Art. 1945.

2.

P.I. No. 9542/1-6-47
On. No. 9542/1-9-47

Clause (a) and (c) of Sec. 2(1)
Lending one's body would be
covered by same.

1-2

W.F.D.
15-4-56
C.4

RM.
15/11/56

Submitted.

2. Please see R.L.A.'s Opinion No. 7683, dated 25th July 1947 and the notes underlying the same. In this opinion it was held that the act of lashing one's body would be attracted by clause (h) of sec. 61(1) of the Bom. District Police Act, 1890 and it would be possible to stop such performances by resorting to that provision. Secy. H.D. considers that such performances would also come within the purview of clauses (a) and (c) of sec. 2(1) of the Bom. Beggars Act, 1945.

3. "Beggings" as defined by clause (1) of sect. 2 of the Bom. Begg Act, 1945 means -

- (a) Soliciting or receiving, alms in a public place, whether or not under any pretence such as singing, dancing, fortune-telling, performing tricks or selling articles;
- (b) entering on any private premises for the purpose of soliciting or receiving alms;
- (c) exposing or exhibiting with the object of obtaining or extorting alms any sore, wound, injury, deformity or disease; etc.

This definition is very wide and, it appears, that soliciting or receiving alms in a public place by lashing one's body would be covered by sub-clauses (a) and (c) of clause (1) of sec. 2 of the Act. In addition, therefore, to stopping such performances by resorting to clause (h) of sect. 61(1) of the Bom. District Police Act, 1890, action can also be taken under the Bom. Beggars Act, 1945. The view taken by Secy. H.D. at "A" of its note, dated 1-8-1947 is correct.

Sd/-
23-9

A.A.S. Please put up the file o. Dist Pol/47

Sd/-
23-9

Please see R.L.A.'s No. 7863 dated 25-7-1947.

The question now raised is whether action can also be taken under the Bombay Beggars Act, 1945, against a person lashing his own body and exposing the injury with a view to obtaining alms.

The provision in sub-clause (c) of clause (1) of section 2 of the Bombay Beggars Act, 1945, appears to be somewhat analogous to sub-section (2) of section 61 of the Bombay District Police Act, 1890. In view of the fact stated in the petition at p. 3 ante, it appears that the act of lashing one's body and exposing the injury thereby caused with the object of obtaining alms would fall within the meaning of "beggings" as defined in section

(2)

as defined in section 2 1) (c) of the Bombay Beggars Act, 1945, and for such begging action to be taken under the Bombay Beggars Act, 1945.

Sd/-

24-9

A.L.R. I agree. Reply may be-

seen and returned.

The view taken by H.D. is correct.

So long as the act of officialisation is accompanied by actual solicitation or extortion of alms.

R.L.A. Sd/-

26-9

U.R. to H.D. No. 9642 dated 1-9-1947.

M.R.D.
15-5-56
C.I.